

**Division of Water Quality
Utah Department of Environmental Quality
Request for Public Comment**

Purpose of Public Comment

The Utah Department of Environmental Quality is soliciting comments on a draft Stipulation and Consent Order (SCO) to resolve several Notices of Violation and Compliance Orders (NOV/CO) described below under authority of the Utah Water Quality Act, Utah Code Ann. §§ 19-5-101 to 19-5-123 including sections 19-5-104, 19-5-106, 19-5-111 and 19-5-115, and in accordance with Utah Administrative Procedures Act, Utah Code Ann. §§ 63G-4-101 to 63G-4-601.

Site Information

Responsible Party Name: Rio Tinto Kennecott Copper (RTKC)

Facility Location: Salt Lake County, Utah

The SCO that the Utah Division of Water Quality (DWQ) is soliciting comments on relates to several releases from RTKC's tailings and process water pipelines and certain other facilities associated with RTKC's operations. In total the Director of DWQ has issued NOVs for 4 separate pipeline releases and identified 6 additional release events for which NOVs were not issued. The dates and details regarding each of the 10 releases are contained in the SCO.

As a result of the above-mentioned releases, the Copperton Concentrator ground water discharge permit was modified (effective December 2017) to include Best Available Technology standards, monitoring, operating and reporting requirements for the RTKC tailings and process water pipelines. The modified permit also includes a compliance schedule requiring RTKC to:

- Submit a Contaminant Investigation Plan for Director review and approval to investigate the following spill locations;
 - i) H1.A and A.25 drop boxes;
 - ii) Surge Basin 3B; and
 - iii) The area adjacent to and downgradient of the Magna reservoir and power plant.
- Submit a Ground Water Compliance Monitoring Plan for the corridor containing the tailings and process water pipelines;
- Install investigational and compliance monitoring wells presented in the above-mentioned plans upon approval by the Director; and
- Implement a Corrective Action Plan if required by the Director based on results of the contaminant investigation.

In addition, the parties have agreed to resolve the releases by entering into a SCO requiring RTKC to:

- Monitor a series of existing ground water monitoring wells located downgradient of a release caused by a breach in a storm water detention basin regulated under permit UGW350010;
- Pay a penalty of \$67,667; and
- Pay a separate administrative cost of \$21,380.

Because the penalty exceeds \$25,000 the Utah Water Quality Board must also review and approve the amount.

Public Comments

The public is invited to review and comment on the SCO. At the conclusion of the comment period, the SCO will either be finalized as presented or modified, based on public feedback and approval by the Utah Water Quality Board.

Public comments are invited any time prior to **Monday, March 12, 2018**. Written comments may be directed to the Division of Water Quality, P.O. Box 144870, Salt Lake City, UT 84114-4870. All comments received prior to **Monday, March 12, 2018**, will be considered in the formulation of the final SCO.

Additional Information

The SCO is available for review online at: <http://www.waterquality.utah.gov/PublicNotices/index.htm>

Related documents are available for review during normal business hours at the Division of Water Quality, 195 N. 1950 W., Salt Lake City. Additional information may be obtained upon request by calling Brian Hamos at (801) 536-4384 or bhamos@utah.gov or by writing the aforementioned address.

In compliance with the Americans with Disabilities Act, individuals with special needs (including auxiliary communicative aids and services) should contact Dana Powers, Office of Human Resources at (801) 536-4413 (TDD 536-4414).